

A regular meeting of the Council of the City of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:30 p.m., January 11, 2005.

Members present: Mayor E. Thomas Messier; Councilwoman Mary L. Flood; Councilman Jeffrey B. Hubbard; and Vice Mayor W. D. Tharp

Members absent: Councilman Thomas M. Padgett; Councilman C. G. Stanley, Jr.; and Councilman Robert T. Wandrei.

Staff present: City Manager F. Craig Meadows; City Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher.

Mayor Messier opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Mayor Messier declared that the minutes of a regular Council meeting held on December 14, 2004, were approved as distributed.

The City Manager reported on the following:

- Mr. Meadows will attend a governmental finance conference in Roanoke on January 12.
- City Offices will be closed on January 17 for the Lee-Jackson-King holiday
- City officials will be meeting with the DEQ in Richmond on January 20 to discuss issues related to the City's Corrective Action Plan for the closed landfill.
- Congressman Goode's office announced that the City has received a \$40,000 federal grant to assist with the development of the City's wireless communications project.
- Governor Warner's office has announced that the City is the recipient of a \$20,000 grant to be used for anti-gang educational activities.
- Draper Aden has been selected to provide design services for the City's solid waste transfer station.
- FY 2005-06 City budget preparation is underway – capital requests will be submitted for staff review by February 4
- The City has signed a contract with Munis Software for the installation and conversion of the City's financial and payroll software – the project will take approximately 12 months to complete.
- There will be a presentation at the January 25 Council meeting on the proposed electric utility rates based on the new electric contract, which will become effective July 1, 2005.
- A Public Hearing is scheduled for February 22 to discuss the current cable television franchise and the renewal process.
- The new main electric substation has been energized and the Electric Department is in the process of transferring the load to the new substation.
- The City Manager requested that the following item be included in the closed session: Closed session, pursuant to Section 2.2-3711(a)(7) of the Code of Virginia of 1950, as amended, for consultation with legal counsel.

Mayor Messier reported that the City is a recipient of a *Platinum Star Award* from the Virginia Municipal Group Self Insurance Association.

The City Manager stated that Marg Cameron is the City staff person responsible for making sure claims are filed on a timely basis and taking care of any issues that arise.

Mayor Messier asked that the City Manager pass on Council's congratulations to Ms. Cameron.

Councilwoman Flood, Chairman of the Property Committee, reported that the Committee met earlier in the evening to discuss the deed from the Commonwealth of Virginia that conveys rights-of-way on Route 122. The Committee recommends acceptance of the deed.

A Public Hearing Notice follows:

PUBLIC HEARING NOTICE

Notice is hereby given of a public hearing to be held by the Planning Commission at 5:30 p.m. on Thursday, January 6, 2005 and by the City Council at 7:30 p.m. on Tuesday, January 11, 2005 at the City Municipal Building, Council Hall, 215 East Main Street for the purpose of:

- Rezoning with proffers from M-1, Manufacturing to R-3, High Density Residential Tax Parcel 198-A-3 located on Independence Boulevard. The request is being submitted by Otey Street Properties, LLC.
- Rezoning from M-1, Manufacturing to CNW, Central Neighborhood Workplace the following tax parcels located in the vicinity of Grove and Jackson streets:

194-6-6, 194-7-1, 194-7-10, 194-7-2A, 194-7-2B, 194-7-4A, 194-7-5, 194-7-6, 194-7-7, 194-7-8A, 194-7-8B, 194-7-9, 194-7-A, 194-A-123, 194-A-124, 194-A-97, 195-8-5, 195-8-8, 195-A-22, 195-A-23, 195-A-41, 195-A-41A, and 195-A-41B

Information regarding this request is on file in the office of Planning & Community Development.

Anyone who is in favor of or opposed to the requests will have an opportunity to express his/her views at this hearing.

By the Authority of the Planning Commission
and City Council of the City of Bedford

City Manager Meadows stated that the Planning Commission tabled the rezoning request by Otey Street Properties, LLC, and there would be no action on this item at this meeting.

Mayor Messier opened the Public Hearing regarding the rezoning request by Otey Street Properties, LLC, at 7:37 p.m. As there were no comments, the Mayor closed the public hearing at 7:37 p.m.

Mayor Messier opened the Public Hearing regarding consideration of rezoning from M-1, Manufacturing, to CNW, Central Neighborhood Workplace, tax parcels located in the vicinity of Grove and Jackson Streets at 7:38 p.m. As there were no comments, Mayor Messier closed the public hearing at 7:38 p.m.

Mr. Bart Warner, Director of Planning & Community Development, explained the background of the rezoning request. Mr. Warner reported that the Planning Commission recommends that City Council approve the request to rezone the tax parcels in the vicinity of Grove and Jackson Streets.

The proposed ordinance regarding the rezoning request had been properly posted in accordance with Section 2-30 of the City Code.

On motion by Vice Mayor Tharp, seconded by Councilman Hubbard, voted upon and carried by a roll call vote, Council adopted the ordinance to rezone tax parcels located in the vicinity of Grove and Jackson Streets. Roll call vote follows:

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| Councilwoman Flood | aye |
| Councilman Hubbard | aye |
| Councilman Padgett | absent |
| Councilman Stanley | absent |
| Vice Mayor Tharp | aye |
| Councilman Wandrei | absent |
| Mayor Messier | aye |

The ordinance follows as adopted:

Ordinance No. 05-1

**AN ORDINANCE CHANGING THE ZONING MAPS FOR
THE CITY OF BEDFORD BY REZONING FROM M-1
TO CNW CERTAIN TAX PARCELS LOCATED
IN THE VICINITY OF GROVE AND JACKSON STREETS**

WHEREAS, the Planning Commission of the City of Bedford held a public hearing and on January 6, 2005 recommended to the City Council of Bedford that it approve a rezoning of parcels hereinafter described; and

WHEREAS, the City Council has held a public hearing after notice was given in the *Bedford Bulletin* once a week for two successive weeks as required by Virginia Code 15.2-2204;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF BEDFORD, VIRGINIA:**

Section 1. The Zoning Map of the City of Bedford is amended by rezoning from Manufacturing (M-1) to Central Neighborhood Workplace (CNW) the following described land:

- a. Tax Parcel Numbers 194-7-1, 194-7-10, 194-7-2A, 194-7-2B, 194-7-4A, 194-7-5, 194-7-6, 194-7-7, 194-7-8A, 194-7-8B, 194-7-9, 194-7-A, 194-A-123, 194-A-124, 194-A-97, 195-8-5, 195-8-8, 195-A-22, 195-A-23, 195-A-41, 195-A-41A, and 195-A-41B in the vicinity of Grove and Jackson streets.

Section 2. This ordinance is effective upon enactment.

City Manager Meadows stated that the Virginia Department of Highways & Transportation, in 1986, proposed the design and location of the Route 122 North-South Connector Project, subsequently named Independence Boulevard. Virginia Code Section 33.1-89 provides that the Commonwealth Transportation Commissioner is vested with power to acquire real estate deemed to be necessary for the construction of public highways in the Commonwealth and is authorized, when requested by a municipality, to convey the title so acquired to the municipality upon completion of the project. Mr. Meadows reported that the Property Committee recommends acceptance of the proposed deed.

On motion by Councilman Hubbard, seconded by Councilwoman Flood, voted upon and carried, Council waived the reading of the proposed resolution approving and accepting conveyance of real estate by the Commonwealth of Virginia.

On motion by Councilwoman Flood, seconded by Councilman Hubbard, voted upon and carried by a roll call vote, Council adopted the proposed resolution approving and accepting conveyance of real estate by the Commonwealth of Virginia. Roll call vote follows:

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| Councilman Hubbard | aye |
| Councilman Padgett | absent |
| Councilman Stanley | absent |
| Vice Mayor Tharp | aye |
| Councilman Wandrei | absent |
| Councilwoman Flood | aye |
| Mayor Messier | aye |

The resolution follows as adopted:

**RESOLUTION APPROVING AND ACCEPTING
CONVEYANCE OF REAL ESTATE CONSTITUTING PART OF
RIGHT-OF-WAY OF INDEPENDENCE BOULEVARD BEING
CONVEYED BY COMMONWEALTH OF VIRGINIA**

WHEREAS, the Virginia Department of Highways and Transportation, in 1986, proposed the design and location of the Route 122 North-South Connector project connecting east Main Street and Longwood Avenue; and

WHEREAS, Virginia Code Section 33.1-89 provides that the Commonwealth Transportation Commissioner is vested with power to acquire real estate deemed to be necessary for the construction of public highways in the Commonwealth and is authorized, when requested by a municipality, to convey the title so acquired to the municipality upon completion of the project; and

WHEREAS, by resolution adopted on November 11, 1986, the Council for the City of Bedford approved the location and major design features of the proposed project and requested the Virginia Department of Highways and Transportation to acquire all necessary rights-of-way for the project and to convey the rights-of-way to the City at the appropriate time; and

WHEREAS, The Virginia Department of Transportation (formerly Department of Highways and Transportation) has completed construction of the Route 122 North-South Connector and has tendered to the City a Quit Claim Deed dated December 6, 2004 conveying a portion of the right-of-way on which the highway project is constructed; and

WHEREAS, The City Attorney has reviewed the tendered deed and has recommended that the Council, pursuant to Virginia Code Section 15.2-1803, accept the deed and record a certificate to that effect in accordance with the statutory provisions for acceptance of deeds of conveyance to municipal corporations.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY
COUNCIL OF THE CITY OF BEDFORD:**

1. The City Council hereby approves acceptance of the Quit Claim Deed from the Commonwealth of Virginia, acting by and through its Commonwealth Transportation Commissioner, dated December 6, 2004 conveying portions of the right-of-way of Virginia Secondary Route 122 (the Route 122 North-South Connector project).

2. The Mayor, the City Clerk, and the City Attorney are hereby authorized and directed to execute for recordation an Approval and Acceptance of conveyance indicating such acceptance pursuant to Virginia Code Section 15.2-1803.

3. This Resolution shall take effect immediately.

City Manager Meadows stated the City is into the second fiscal year of an agreement with Bedford Main Street, Inc., to fund the Executive Director position for that organization. It was recommended that the agreement be formalized. Based on a series of discussions with Main Street, the two entities have drafted an Employee Leasing and Service Agreement. Mr. Meadows stated there is also a Letter of Agreement dated December 14, 2004, which clarifies two provisions of the agreement.

Vice Mayor Tharp moved that Council approve the Employee Leasing and Service Agreement and the Letter of Agreement dated December 14, 2004. Councilwoman Flood seconded the motion.

Mayor Messier suggested that in the Agreement, Section 8, item K, be reworded by eliminating the word "request."

It was the consensus of Council that the word "request" be removed in Section 8, item K, of the Agreement, as suggested by Mayor Messier.

The motion was then voted upon and carried.

Councilman Hubbard moved that Council adjourn into closed session pursuant to Section 2.2-3711(a)(3) of the Code of Virginia of 1950, as amended, to discuss potential acquisition of real estate and pursuant to Section 2.2-3711(a)(7) for consultation with legal counsel. Councilwoman Flood seconded the motion. The motion was voted upon and carried by the following roll call vote:

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| Councilman Padgett | absent |
| Councilman Stanley | absent |
| Vice Mayor Tharp | aye |
| Councilman Wandrei | absent |
| Councilwoman Flood | aye |
| Councilman Hubbard | aye |
| Mayor Messier | aye |

Council adjourned into closed session at 7:45 p.m.

Council reconvened into open session at 8:34 p.m.

The Clerk of Council read aloud the following resolution:

BE IT RESOLVED that the Council of the City of Bedford hereby certifies that (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

On motion by Vice Mayor Tharp, seconded by Councilwoman Flood, voted upon and carried by a roll call vote, Council adopted the resolution. Roll call vote follows:

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| Councilman Stanley | absent |
| Vice Mayor Tharp | aye |
| Councilman Wandrei | absent |
| Councilwoman Flood | aye |
| Councilman Hubbard | aye |
| Councilman Padgett | absent |
| Mayor Messier | aye |

Mayor Messier adjourned the meeting at 8:35 p.m.